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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/816,993 | 03/23/2001 | Kirk Tecu | 10010017-1 | 7620 |

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| EXAMINER |
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RIMELL, SAMUEL G

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| ART UNIT | PAPER NUMBER |
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2164

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,993

Applicant(s)

TECU ET AL.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 8-13 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 2-7, 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Preliminary Notes: (1) This office action is made non-final. (2) Non-elected claims 21-23 and 25 are examined with this action. (3) Since all non-elected claims are examined with this action, applicant's arguments regarding the restriction of these claims are moot.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8-13 and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Baron (U.S. Patent 6,459,388).

Claim 1: FIG. 2 of Baron discloses an overall communications network which communicates data across the Internet (21). The network includes a data server 20 (remote database) and client (PLDS 200).

FIG. 4 illustrates an alternative embodiment of the PLDS (200) takes the form of a camera. The camera receives image data (col. 7, line 31). Since the camera is a PLDS device (col. 7, lines 28-35), it also receives position data (via GPS 25 in FIG. 2) associated with both the location of the camera and the image received by the camera.

Col. 8, lines 6-15 outline the retrieval of data from a database. In an alternative embodiment, the data may be retrieved from a remote database (20). The data retrieved includes imaging data related to the view of the site being imaged (col. 8, line 9).

Col. 8, lines 20-22 describes a photographic image being annotated by the imaging data or annotated with locational data.

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Claim 8: The position data is GPS data (item 25 in FIG. 2) and thus inherently involves coordinates of longitude and latitude.

Claim 9: Col. 8, lines 20-22 refers to annotation of the image with the imaging data or locational data. Col. 8, lines 28-32 refer to the annotated image being saved to a remote database.

Claim 10: Col. 8, lines 28-45 refer to the image being saved to remote database which is accessible using wireless connectivity systems. Accordingly, users have conditional access, the conditions being the ability to obtain or set up wireless systems connected to the network, and the ability to access the network with those systems.

Claim 11: The image can be viewed through a viewfinder (43). The display of such image through a viewfinder is an act of printing the image.

Claim 12: See remarks for claim 1. Additionally, col. 8, lines 20-28 refers to the presence of location data in the remote database (20). In this case, the remote database is a location database. The remote database (20) is a server because it serves data to client devices 200 or 400. Requests to retrieve data from this remote database constitute a query on that database. Col. 8, lines 20-28 illustrate the retrieval of location information from the location database (20) and the annotation of that location information on an image.

Claim 13: See remarks for claim 1. Additionally, the annotated image (col. 8., lines 20-22) is served to the client (used by the client, col. 8, lines 24-25) or served to future clients (retrieved by future users from the remote database, col. 8, lines 25-28).

Claim 21: The PLDS device of FIG. 2 is embodied in the camera of FIG. 4 (col. 7, lines 37-38). The PLDS device of Fig. 2 includes a GPS receiver (25-26). The camera itself acquires

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image data. The two types of data are loaded to the processor (24). The processor (24) in turn communicates with the remote database (20) (col. 6, lines 12-18).

Claim 22: The camera of FIG. 4 is a web enabled camera. The other types of devices are optionally recited.

Claim 23: Given that the camera of FIG. 4 is configured to receive both image data and GPS location data, the creation of such data will inherently result in the creation of data fields containing these two types of data. The combination of these fields constitute a data block pertaining to the photographic image.

Claim 24: FIG. 3 diagrammatically illustrates a database system in which a particular site (31) is related to location of that site and positional data for that site. Accordingly, this is a relational database which relates location information to position.

Claim 25: FIG. 4 is a camera adapted to include the PLDS (col. 7, line 29). The PLDS system is outlined in FIG. 2 and includes a GPS system (25, 26).

Claim 26: FIG. 4 illustrates a camera to acquire image data. Location information is acquired by the GPS system (25, 26) of FIG. 2. The remote database (20) in FIG. 2 is accessible through the Internet (21), which means the retrieved data will be returned as web page.

Claims 2-7 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Remarks

Applicant's arguments are moot in light of the new grounds of rejection. This office action is made non-final.

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.

A handwritten signature in black ink, appearing to read 'S. Rimell', is positioned above the printed name.

Sam Rimell
Primary Examiner
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